Criminal Revision No. 162 of 2003

Hon'ble Irshad Hussain, J.

This is a criminal revision under Section 397/401 of the Cr. P.C. against the order dated 29.9.2003 passed by the Sessions Judge, Dehradun rejecting the application of the revisionist-accused for referring him the juvenile board to determine that he was juvenile on date of occurrence. The revisionist has been claiming that he was a juvenile when the occurrence took place on 1.8.2002.

Heard Sri Sandeep Tandon and perused the record of the petition and also the certified copy of the order sheet of the Sessions Trial shown at the bar by the learned counsel.

The similar application preferred by the revisionist-accused not pressed and was therefore rejected on 15.1.2003. It also appear that the revisionist-accused was put to medical examination to determine the approximate age. The medical examination was conducted in the month of September, 2002 and on the basis of the medical examination the age was determined to be more than 18 years. I have also gone through the said medical examination report which indicate that : "lower epiphysis of both radius and ulna fused and all the epiphysis around the knee joint is fused", and it clearly indicate that the age determined was just and proper.

Considering this aspect, the claim of the revisionist-accused has no force and more so when his similar application before the learned Sessions Judge was not pressed earlier.

In view o the above, there is no impropriety in the impugned order. The revision being devoid of merit, is dismissed in limine.

(Irshad Hussain, J.)

17.10.2003
Rawat